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PATENT
P57004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DAE-GUNN JEI

Serial No.: 10/731,126

Examiner: PIERRE-LOUIS DESIR

Filed: 10 December 2003

Art Unit: 2681

For: MULTI-PURPOSE HYBRID TERMINAL AND METHOD FOR
PREPARING FAST IMPLEMENTATION OF FUNCTIONS

PETITION UNDER 37 C.F.R. §1.181

Paper No. 4

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

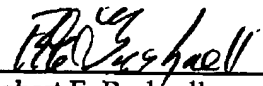
Applicant respectfully petitions from the incomplete first Office action mailed on
11 August 2005 (Paper No. 20050807), as reasons therefor, states that:

Folio: P56063
Date: 8/19/05
I.D.: REB/kf

**CERTIFICATE OF
FACSIMILE TRANSMISSION**

I hereby certify that, on 19 August 2005,
this correspondence is being facsimile
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Total 6 sheets


For Robert E. Bushnell
Reg. No. 27,774

PATENT
P57004**STATEMENT OF FACTS**

1. On 11 August 2005, a first Office action was issued (Paper No. 20050807). In the PTO-892 form attached to Paper No. 20050807, two (2) U.S. patent publication references were cited.
2. In paragraph 6 of Paper No. 20050807, the Examiner rejected claims 7 through 11 under 35 U.S.C. §103 for alleged unpatentability over "Barnes, JR, Pub.No. US 20050136949".
3. The Barnes'949 reference is cited neither in the PTO-892 form attached to Paper No. 20050807 nor the Information Disclosure Statement filed by Applicant on 10 December 2003.

REMARKS

The Barnes'949 reference is cited neither in the PTO-892 form attached to Paper No. 20050807 nor the Information Disclosure Statement filed by Applicant on 10 December 2003.

This is to say, the Office action mailed on 11 August 2005 (No. 20050807) is incomplete under 37 C.F.R. §1.104 (and *Manual of Patent Examining Procedure* §707.05) in that, the claims 7 through 11 were rejected based upon Barnes'949 which is not made of record in the application.

Although current Office practice is not to provide copies of U.S. patents or U.S. patent publications with Office communications, and even though Examiner did indicate the patent number of the Barnes'949 reference that was being relied upon in the Office

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action, the Examiner did not list the Barnes'949 reference on the citation of art, that is PTO-892, which accompanied the action. It is submitted, therefore, the Office action mailed on 11 August 2005 (Paper No.20050807) was deficient.

Given that the error was brought to the attention of the Office within one (1) month of the mailing date of the action, in accordance with MPEP §710.06, the time period for response should be reset and restarted with the re-mailing of the Supplemental Notice of references Cited (PTO Form 892).

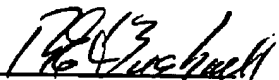
A copy of a Decision on Petition for Serial No. 09/615,652 previously issued by Group Director to grant similar relief requested by Applicant to reset period for reply is attached.

PATENT
P57004**RELIEF REQUESTED**

In view of the above, the Commissioner is respectfully requested to direct the Examiner to:

- A. Issue a Supplemental first Office action with a supplemental PTO-892 form citing the Barnes'949 reference;
- B. Re-start the period for response to expire not less than three (3) months from the date on which the Supplemental Office action and supplemental PTO-892 form citing the Barnes'949 reference are provided to Applicant by the Examiner; and
- C. Grant such other and further relief as justice may require.

Respectfully submitted,


Robert E. Bushnell,
Attorney for the Applicant
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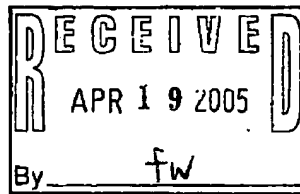
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UNITED STATES PATENT AND TRADEMARK OFFICE

F-6063 (J)

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APR 16 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2800

In re Application of
Yang-Yeon Lee
Application No. 09/615,652
Filed: July 13, 2000

For: METHOD FOR INFORMING A
TRANSMITTING MODULE OF ERROR
OCCURRENCE IN A RECEIVING PART
OF A FACSIMILE

DECISION GRANTING PETITION
TO RESET PERIOD FOR REPLY

COPY

This is a decision on the petition filed on March 31, 2005, requesting that the shortened statutory period for reply set forth in the Office communication mailed on March 22, 2005 be reset and restarted.

Petitioner states that the non-final Office action relied upon a reference, i.e., Hwang (U.S. Pat. No. 5,822,084), but that the Hwang reference was not listed on either an 892 or form 1449 submitted by applicant.

MPEP § 710.06 [R-2] Situations When Reply Period Is Reset or Restarted, states in part:

Where the citation of a reference is incorrect or an Office action contains some other defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant. If the error is brought to the attention of the Office within the period for reply set in the Office action but more than 1 month after the date of the Office action, the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the time remaining in the reply period. For example, if the error is brought to the attention of the Office 5 weeks after mailing the action, then the Office would set a new 2-month period for reply. The new period for reply must be at least 1 month and would run from the date the error is corrected. See MPEP § 707.05(g) for the manner of correcting the record where there has been an erroneous citation.

37 C.F.R. § 1.104 Nature of examination, states in part:

(a) Examiner's action ...

(2) The applicant, or in the case of a reexamination proceeding, both the patent owner and the requester, will be notified of the examiner's action. The reasons for any adverse action or any objection or requirement will be stated in an Office action and such information or references will be given as may be

Application Serial No.: 09/615,002
Decision on Petition


useful in aiding the applicant, or in the case of a reexamination proceeding the patent owner, to judge the propriety of continuing the prosecution. [emphasis added]

Although current Office practice is not to provide copies of U.S. Patents or U.S. Publications with Office communications, and even though examiner did indicate the Patent No. of the Hwang reference that was being relied upon in the Office action, the examiner did not list the Hwang reference on the citation of art (i.e., form 892) which accompanied the action. Therefore, the Office action mailed March 22, 2005 was deficient.

Accordingly, the petition is **GRANTED**.

Given that the error was brought to the attention of the Office within 1 month of the mail date of the action, in accordance with MPEP §710.06, the time period will be reset and restarted with the re-mailing of the Office action.

The application record will be forwarded to the examiner to complete a supplemental Notice of References Cited, specifically listing the Hwang reference. From there, the application will be forwarded to the Technology Center's technical support staff for remailing the Office action with the supplemental Notice of References Cited prepared by the examiner.



Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications